

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

THE STATE OF MISSISSIPPI,
ex rel. LYNN FITCH, Attorney General for the State
of Mississippi

Plaintiff,

v.

GOOGLE LLC f/d/b/a GOOGLE, INC. and
YOUTUBE LLC,

Defendant.

Civil Action No. 1:19-cv-220-SA-DAS

Hon. Sharion Aycock

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION TO STRIKE OR, IN THE ALTERNATIVE,
TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendants Google LLC ("Google") and YouTube LLC ("YouTube" and, together with Google, "Defendants") move the Court to strike or, in the alternative, to dismiss the Second Amended Complaint ("SAC"). As Defendants' Memorandum of Law in support of these motions show, the SAC was improperly filed without Defendants' consent or leave of court and, in any event, fails to state any claim upon which relief can be granted. If the Court does not strike the SAC, Defendants are entitled to dismissal of the SAC in its entirety.

The following items are exhibits to Defendants' motion to dismiss:

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| Exhibit A | GSFE Privacy Notice, dated November 17, 2017. This document is part of the state-court record and was filed on the Court's Electronic Case Filing ("ECF") system at ECF No. 13-5. |
| Exhibit B | GSFE Agreement, dated September 2018. |
| Exhibit C | Google for Education Privacy & Security Center, dated April 25, 2018. This document is part of the state-court record and was filed on the Court's ECF system at ECF No. 13-8. |

- Exhibit D Transcript of the January 17, 2017 press conference given by former Mississippi Attorney General Hood. This document is part of the state-court record and was filed on the Court's ECF system at ECF No. 10-18.
- Exhibit E Retention Agreement between former Mississippi Attorney General Hood and Kitchens Law Firm, P.A., dated January 13, 2017.
- Exhibit F Federal Trade Commission, "Complying with COPPA: Frequently Asked Questions."
- Exhibit G Federal Trade Commission, "COPPA Guidance for Ed Tech Companies and Schools during the Coronavirus."
- Exhibit H Data Processing Amendment to the GSFE Agreement, dated December 8, 2016. This document is part of the state-court record and was filed on the Court's ECF system at ECF No. 13-4.
- Exhibit I K-12 School Service Provider Pledge to Safeguard Student Privacy, dated October 7, 2014. This document is part of the state-court record and was filed on the Court's ECF system at ECF No. 13-6.
- Exhibit J Google Privacy Policy, dated October 15, 2019.

ACCORDINGLY, the Court should dismiss the FAC in its entirety and enter judgment in favor of Google.

RESPECTFULLY SUBMITTED this 29th day of June, 2020.

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Mississippi, by using the Court's CM/ECF system on June 29, 2020. I further certify that all parties are represented by attorneys who are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

THIS the 29th day of June, 2020

/s/ Peter G. Neiman
Peter G. Neiman